

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4374 of 2010

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Jai Dayal, son of Ram Nihora Prasad, resident of Village Hraji, P.O. Haraji, Police-Station Avtarnagar, District-Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. K. K. Sinha, Director of Secondary Education, Government of Bihar, Secretariat Buildings, Patna-1.
3. Niwas Chandra Tiwary, Regional Deputy Director of Education, Saran Division, Chapra.
4. Salestion Hansda, District Education Officer, Saran, Chapra.
5. Shambhu Nath Singh, Headmaster, Ishwari High School, Village and Post Office, Basant, Police Station-Garkha, District-Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda, Advocate

For the Respondent/s : Mr. Nirbhay Prashast, AC to SC-17

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 21-06-2017

In view of the fact that suspension of the petitioner was revoked and the petitioner worked and has now retired after attaining the age of superannuation, no further action is required to be taken in these proceedings as direction issued in the original writ petition being CWJC No.18261 of 2009 on 22.07.2010 was to revoke the suspension of the petitioner and take him back in the services. This having been done and as the petitioner has now retired on attaining the age of superannuation.

However, during the course of hearing today, a complaint is made to say that retiral benefits have not been paid. Learned counsel for the State points out that the petitioner is facing criminal prosecution



and, therefore, the retiral benefits have been withheld.

Be that as it may be, the fact remains that in the original writ petition, the question of settlement of retiral dues of the petitioner was never adjudicated and there is no direction to settle his retiral dues. That being so, in this contempt proceedings, this question cannot be looked into. In case, the petitioner has any grievance after his superannuation with regard to settlement of his claim, it gives a fresh cause to the petitioner to ventilate the same in accordance with law before an appropriate forum.

With the aforesaid liberty to the petitioner, for the present, finding no action to be taken in the matter, this application is disposed of.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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